

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE: \*  
**VICTOR R. OLIVER SIERRA** \* CASE NO. **09-01343-SEK**  
\* CHAPTER **13**  
DEBTORS \*  
\*\*\*\*\*

**MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE**

**TO THE HONORABLE COURT:**

**COMES NOW**, Debtors represented through the undersigned attorney and respectfully alleges and prays:

1. That debtor(s) filed and circulated a **MODIFIED PLAN** to all parties in interest.

2 **IN ACCORDANCE WITH FRBP 1017, FRBP 2002, AND FRBP 9013, AND LOCAL GENERAL ORDER NO. 97-01, THE DEBTORS, ALL CREDITORS AND PARTIES IN INTEREST IN THIS CASE, ARE HEREBY NOTIFIED THAT UNLESS AN OPPOSITION TO THIS MOTION IS SUBMITTED IN WRITING WITHIN 21 DAYS FROM THE DATE APPEARING IN THE CERTIFICATE OF SERVICE, INFRA, THE COURT MAY GRANT THIS MOTION, WITHOUT A HEARING.**

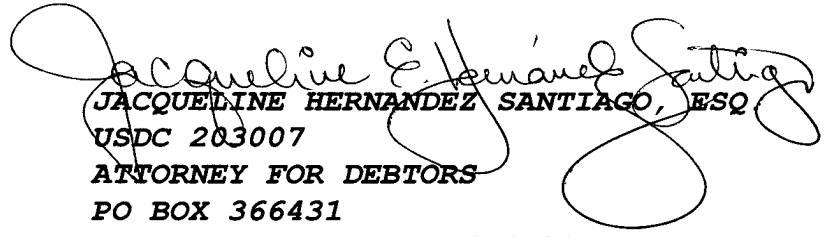
3. That the modification is based on the fact that this amended plan contemplates the payment in full of secured creditor, First Bank claim in accordance with the resolution of DACO Complaint # 1000745 on which cancellation of mortgage is being requested as part of the remedies sought.

**THEREFORE**, Debtor respectfully requests from this Honorable Court to accept this motion and grant debtor the opportunity to modify the Confirmed Plan according to 11 USC 1329, and provide any other remedy it may deem appropriate.

**RESPECTFULLY SUBMITTED.**

**I HEREBY CERTIFY:** That on December 21<sup>st</sup>, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the parties appearing in said system and to all creditors as per master address list attached.

IN SAN JUAN, PUERTO RICO, THIS 21<sup>ST</sup> day of December, 2009.

  
JACQUELINE HERNANDEZ SANTIAGO, ESQ  
USDC 203007  
ATTORNEY FOR DEBTORS  
PO BOX 366431  
SAN JUAN, P.R. 00936-6431  
TEL. (787) 751-1836/(787) 751-6709

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE: VICTOR OLIVER SIERRA

BK. CASE # 09-01343 SEK

DEBTOR(S)

CHAPTER 13

**CHAPTER 13 PAYMENT PLAN**

**NOTICE:** • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan.** • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:  
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☒ The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

**PLAN DATED:**

☐ PRE ☒ POST-CONFIRMATION

☒ **AMENDED PLAN DATED:** December 10, 2009

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

**I. PAYMENT PLAN SCHEDULE**

\$	192	x	60	= \$	11,520
\$		x		= \$	0
\$		x		= \$	0
\$		x		= \$	0
\$		x		= \$	0
TOTAL =				60	\$ 11,520

**Additional Payments:**

\$ 12,000 to be paid as a LUMP SUM within 36 months from conf with proceeds to come from

☒ Sale of property identified as follows:  
res. at villas de loiza, 3 st, blq f-11, canovanas as part of liq. of conjugal soc. as per civil case FNAC2006-0059

☒ Other: any damages award as result of DACO complaint #100038745 \*\*

Periodic Payments to be made other than and in addition to the above.  
\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_ 0

To be made on: \_\_\_\_\_

**PROPOSED PLAN BASE: \$** 23,520

**II. ATTORNEY'S FEES**

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement:	\$	3,000
b. Fees Paid (Pre-Petition):	(\$	_____)
c. R 2016 Outstanding balance:	\$	3,000
d. Post Petition Additional Fees:	\$	350
e. Total Compensation:	\$	3,350

Signed: \_\_\_\_\_  
DEBTOR VICTOR OLIVER SIERRA

JOINT DEBTOR

**III. DISBURSEMENT SCHEDULE SEQUENCE**

**A. SECURED CLAIMS:** ☐ Debtor represents that there are no secured claims.  
☒ Secured creditors will retain their liens and shall be paid as follows:

☐ **ADEQUATE PROTECTION** Payments: Cr. \_\_\_\_\_ \$ \_\_\_\_\_  
☐ Trustee will pay secured **ARREARS**:  
Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
Acct. \_\_\_\_\_ Acct. \_\_\_\_\_ Acct. \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

☐ Trustee will pay **REGULAR MONTHLY PAYMENTS**:  
(please refer to the above related notice, for important information about this provision)  
Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
Acct. \_\_\_\_\_ Acct. \_\_\_\_\_ Acct. \_\_\_\_\_  
Monthly Pymt. \$ \_\_\_\_\_ Monthly Pymt. \$ \_\_\_\_\_ Monthly Pymt. \$ \_\_\_\_\_

☐ Trustee will pay **IN FULL** Secured Claims:  
Cr. **FIRSTBANK \*\*** Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

☐ Trustee will pay **VALUE OF COLLATERAL**:  
Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:  
Cr. \_\_\_\_\_ Ins. Co. \_\_\_\_\_ Premium: \$ \_\_\_\_\_  
(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor **SURRENDERS COLLATERAL** TO Lien Holder:

☒ Debtor will maintain **REGULAR PAYMENTS DIRECTLY** to:  
westernbank is being paid by third party

**B. PRIORITIES.** The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

☐ **C. UNSECURED PREFERRED:** Plan ☐ Classifies ☒ Does not Classify Claims.

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead": \_\_\_\_\_  
☐ Class B: ☐ Other Class: \_\_\_\_\_  
☐ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_

**D. GENERAL UNSECURED NOT PREFERRED:** (Case Liquidation Value = \$ \_\_\_\_\_)  
☐ Will be paid 100% plus \_\_\_\_\_ % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

**OTHER PROVISIONS:**

\*\*Firstbank will be paid in accordance with resolution of DACO complaint 1000745 on which the mortgage is being requested to be cancelled as part of the remedies in addition to damages. Any net amounts awarded as damages to debtor will be delivered to trustee to fund the plan accordingly. \*The net profits estimated by debtor to be received as part of the liquidation of conjugal society on sale of res. is aprox. \$12,000.00

ATTORNEY FOR DEBTOR: JACQUELINE E. HERNANDEZ SANTIAGO, ESQ. Phone: (787) 751-1836

## **CETIFICATE OF SERVICE**

***I DO HEREBY CERTIFY*** that on this date I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**ALEJANDRO OLIVERAS RIVERA**      [aorecf@ch13sju.com](mailto:aorecf@ch13sju.com)

**OSMARIE NAVARRO MARTINEZ**      [aorecf@ch13sju.com](mailto:aorecf@ch13sju.com)

**MIRIAM D SALWEN ACOSTA**      [aorecf@ch13sju.com](mailto:aorecf@ch13sju.com)

**JACQUELINE E HERNANDEZ SANTIAGO**      [quiebras1@gmail.com](mailto:quiebras1@gmail.com)

**MONSITA LECAROS ARRIBAS**      [ustpregion21.hr.ecf@usdoj.gov](mailto:ustpregion21.hr.ecf@usdoj.gov)

**MARYSOL LOPEZ GONZALEZ**      [mlopez@martineztorreslaw.com](mailto:mlopez@martineztorreslaw.com)

**VANESSA M TORRES QUINONES**      [mbaldera@martineztorreslaw.com](mailto:mbaldera@martineztorreslaw.com)

***I DO HEREBY FURTHER CERTIFY*** that on the same date a true and exact copy of the foregoing has been sent by regular United States mail to Debtor, **Victor R. Oliver Sierra, PO Box 710, Rio Grande, PR 00745** and to the following:

**CITICARD**  
PO BOX 6017 (2713168)  
THE LAKES, NV 89163-6017 (cr)

**CITIFINANCIAL**  
PO BOX 71325 (2713169)  
SAN JUAN, PR 00936-8425 (cr)

**FIRST BANK DE PUERTO RICO (VTQ)**  
MARTINEZ & TORRES LAW OFFICES P.S.C. (2758250)  
PO BOX 192938 (cr)  
SAN JUAN PR 00919-2938

**FIRSTBANK**  
PO BOX 13817 (2713170)  
SAN JUAN, PR 00908-3817 (cr)

**GE Consumer Finance**  
For GE Money Bank  
dba PEP BOYS/CAR CARE ONE/GEMB (2782597)  
PO Box 960061 (cr)  
Orlando FL 32896-0661

**HOME DEPOT** (2713171)

PROCESSING CENTER (cr)  
P O BOX 689100  
DES MOINES, IA 50368

ISLAND FINANCE (2713172)  
PO BOX 195369 (cr)  
SAN JUAN, PR 00919-5369

MUEBLERIAS BERRIOS (2713173)  
P O BOX 674 (cr)  
CIDRA, PR 00639

PEP BOYS  
GE MONEY BANK (2713174)  
PO BOX 960061 (cr)  
ORLANDO, FL 32896-0061

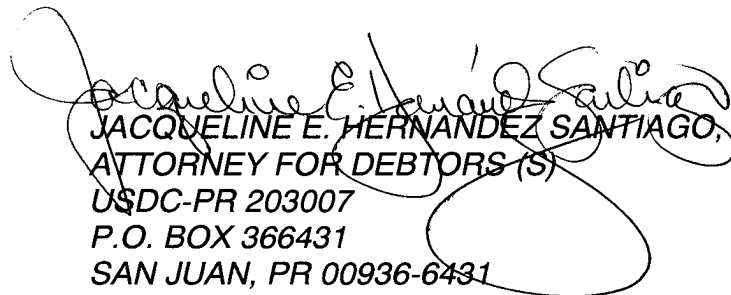
Recovery Management Systems Corporation  
For GE Money Bank  
dba SAM'S CLUB (2782596)  
25 SE 2nd Ave Ste 1120 (cr)  
Miami FL 33131

Roundup Funding, LLC  
MS 550 (2749001)  
PO Box 91121 (cr)  
Seattle, WA 98111-9221

SAM'S (2713175)  
P O BOX 981064 (cr)  
EL PASO, TX 79998

SANTANDER FINANCIAL SERVICES D/B/A ISLAND FINANCE  
C/O LIGIA RIVERA BUJOSA (2724179)  
PO BOX 7011 (cr)  
PONCE PR 00732

*In San Juan, Puerto Rico this 21<sup>st</sup> day of December, 2009.*

  
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